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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,237	11/14/2001	Raymond Anthony Joao	RJV02	6410
7590 12/14/2004 RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703			EXAMINER REID, CHERYL M	
			ART UNIT 2142	PAPER NUMBER
DATE MAILED: 12/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,237

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/14/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Madan.

#### **Claim 1**

- Madan teaches of a memory device for storing information regarding at least one of a good, a product, a service, a security, a stock, a bond, a commodity... (Col 1, lines 27-30, Col 4, lines 25-29); a receiver for receiving an information request from a communication device associated with a user, wherein said information request is a request for information regarding said at least one of a good, a product (Col 1, lines 27-30, Col 6, lines 26-28); processor for processing said information request....(Col 10, lines 20-22); a transmitter for transmitting said information report....(Col 6, lines 50-53).

**Claim 3**

- Madan teaches of a receiver receiving a user response containing information for entering into a transaction involving said at least one of a good, a product, a service, a security, a stock.....(Col 11, lines 65-67, Col 12, lines 1-2).

**Claim 4**

- Madan teaches of wherein a processor generates a transaction confirmation message....(Col 1, lines 44-46).

**Claim 5**

- Madan teaches of an apparatus that is at least one of a computer, a server computer..... (Col 1, lines 47-48).

**Claim 6**

- Madan teaches of the communication device being at least one of a personal computer, a hand-held computer.....(Col 2, lines 54-56).

**Claim 7**

- Madan teaches wherein the apparatus is utilized at least one of on and over a communication network,.....(Col 2, lines 48-51).

**Claim 8**

- Madan teaches of the receiver receiving a voice signal (Col 1, lines 47-49).

**Claim 9**

- Madan teaches of at least one of said information request, said information report, said user response and said transaction confirmation message is at least one of an e-mail message, an electronic transmission, an instant messaging service message, a telephone message, a letter mail delivery, a telephone transmission (Col 6, lines 27-28, 57-59).

**Claim 10**

- Madan teaches of information report contains at least one of text information...(Col 7, lines 35-40).

**Claim 11**

- Madan teaches of wherein processor stores information regarding a transaction....(Col 6, lines 59-61).

**Claim 12**

- Madan teaches wherein of at least one of said apparatus and said processor stores information regarding at least one of said information request, said information report, and a user response (voice mail message) (Col6, lines 59-61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 13- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madan as applied to claim1 above, and further in view of Hillson.

**Claim 2 and 18**

- Madan is silent in regards to the communication device is at least one of a video telephone and a videophone. Hillson teaches on this aspect(Col 2, lines 32-33, 38-39). Madan invention relates to voice-enabled transactions from a communication device such as a cellular phone (Col 1, lines 6-7). Hillson's invention relates to telephone and multimedia services (Col 1, lines 6-7). Adding the above mentioned feature to Madan's invention would give the user the option of viewing the transaction information or listening to transaction information. This would be an overall improvement of Madan's invention because it would offer the user more versatility. It is for these reasons that one

of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification to Madan's invention.

**Claim 13**

- Madan is silent in regards to processor generates at least one of a promotional message and an advertising message..... Hillson teaches on this aspect. (Col 8, lines 59-62, Col 15, lines 30-35). Madan invention relates to voice-enabled transactions from a communication device such as a cellular phone (Col 1, lines 6-7). Hillson's invention relates to telephone and multimedia services (Col 1, lines 6-7). Adding the above mention feature to Madan's invention would allow users of his system to obtain information relating to specific products or commodities that they might be interested in purchasing. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification to Madan's invention.

**Claim 14**

- Madan is silent in regards to at least one of a promotional message and an advertising message is stored for the user. Hillson teaches on this aspect. (Col 8, lines 56-58). Madan invention relates to voice-enabled transactions from a communication device such as a cellular phone (Col 1, lines 6-7). Hillson's invention relates to telephone and multimedia services (Col 1, lines 6-7). Adding the above mention feature to Madan's invention would allow users of his

system to obtain information relating to specific products or commodities that they might be interested in purchasing. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification to Madan's invention.

### **Claim 15**

- Madan and Hillson are both silent in regards to generating a notification message notifying the user of the existence of at least one of said promotional message and said advertising message, wherein said notification message is at least one of an e-mail message, an electronic transmission, an instant messaging service message, a telephone message, a letter mail delivery, a telephone transmission, a facsimile transmission, a beeper message, and a pager message, and further wherein said transmitter transmits said notification message to the communication device associated with the user. Madan's invention relates to allowing users to conduct transactions using devices such as a cellular phone (Col 1, 26-30). In one aspect of Madan's invention, the user is notified when a certain condition of Dow Jones is met (Col 6, lines 50-52). It would have been obvious to one of ordinary skill in the art to extend this notification criterion to include notifications that were related to promotional advertisements. Allowing notification of promotional advertisements would be an improvement to Madan's invention because it would give user's access to more information and would allow users of his system to obtain information



relating to specific products or commodities that they might be interested in purchasing, thus allowing them to make better decisions in regards to their purchases or transactions. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications.

**Claim 16**

- Madan teaches on storing information regarding at least one of a good, a product, a service.....(Col 1, lines 27-30, Col 4, lines 25-29); receiving an information request from a communication device associated with a user, wherein said information request is a request for information regarding said at least one of a good, a product, a service.....(Col 1, lines 27-30, Col 6, lines 26-28); processing said information request .....(Col 10, lines 20-22); transmitting said information report to the communication device associated with the user ....(Col 6, lines 50-53). Madan is silent in regards to information report contains video information. Hillson teaches on this aspect (Col 2, lines 32-33,38-39). One of ordinary skill in the arts at the time of invention would be motivated to make the above-mentioned modifications for the same reasons discussed in claim 2.

**Claim 17**

- Madan teaches of a data entry device for inputting.....(Col 4, lines 25-29, Col 6, lines 27-28); a processor for processing said information request .....(Col 10, lines 20-22); a transmitter for transmitting said information request to a vendor computer (Col 5, lines 12-15); a receiver for receiving an information report from the vendor computer (Col 7, lines 35-37, lines 50-53); Madan is silent in regards to information report contains video information. Hillson teaches on this aspect (Col 2, lines 32-33,38-39). One of ordinary skill in the arts at the time of invention would be motivated to make the above-mentioned modifications for the same reasons discussed in claim 2.
- Madan teaches of a display device for displaying at least a portion of the information contained in said information report (Col 7, lines 61-62).

**Claim 19**

- Madan teaches of a wherein said transmitter transmits a user response containing information for entering into a transaction..... (Col 2, lines 49-50).

**Claim 20**

- Madan teaches of wherein said receiver receives a transaction confirmation message (Col 1, lines 44-46).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

*Bestuzhnik*  
*Patent Examiner*  
*12/09/04*